

CITY COUNCIL MINUTES
FEBRUARY 9, 2006

The Round Rock City Council met Regular Session on Thursday, February 9, 2006, in the City Council Chamber, 221 E. Main Street.

CALL REGULAR SESSION TO ORDER:

Mayor Maxwell called the session to order at 7:05 p.m.

PLEDGE OF ALLEGIANCE:

Mayor Maxwell led the pledge of allegiance.

ROLL CALL: Those members present were Mayor Nyle Maxwell, Mayor Pro-tem Alan McGraw, Councilmember Rufus Honeycutt, Councilmember Joe Clifford, Councilmember Carlos T. Salinas, Councilmember Scott Rhode and Councilmember Ted Williamson. Also present were City Manager Jim Nuse and City Attorney Steve Sheets.

CITIZENS COMMUNICATIONS:

Tom Clark, Water/Wastewater Utility Director reported that this year's effort to raise money for "Water for People" was very successful. Nancy Stewart representative for the "Water for People" program was presented with a check for \$14,435. Mr. Clark recognized the City employees who helped with this effort.

Russell S. Johnson, 106 S. St. Mary's Street, San Antonio representing Brazos Valley Water Alliance spoke on the draft report by HDR Engineering that analyzed the City's options for future water needs and the proposal submitted by the Alliance to be the City's future water supplier. He concluded that the Alliance could meet the City's future water needs.

PROCLAMATIONS:

5.A. Consider recognizing Round Rock Independent School District graduates that were members of the 2005 National Champion Texas Longhorn Football Team. Mayor Maxwell read the following proclamation and presented the proclamation to the members of the 2005 National Champion Texas Longhorn Football Team that graduated from the Round Rock Independent School District.

WHEREAS, the University of Texas Longhorns were named the 2005 National College Football Champions on January 4, 2006 when they defeated the University of Southern California Trojans at the Rose Bowl by a score of 41 to 38; and

CITY COUNCIL MINUTES
FEBRUARY 9, 2006

WHEREAS, this historic victory—the 800th win in school history—marks the culmination of an undefeated, 13-0 season, giving the Longhorns the longest-active winning streak in the nation at 20 games; and

WHEREAS, the 2005 Longhorn Team was comprised of many talented and outstanding student athletes, including six Round Rock Independent School District Graduates: Peter Ullman, Myron Hardy, Mac McWhorter, Ryan Moench, Greg Dolan and Dustin Misch; and

WHEREAS, The City of Round Rock is proud to be represented by these fine students whose character, determination and success have brought great honor to themselves, the University of Texas, their community and the great State of Texas.

NOW, THEREFORE, I, Nyle Maxwell, Mayor of the City of Round Rock, Texas and the Round Rock City Council, on behalf of all the citizens of the City, would like to officially and publicly state our appreciation and gratitude to the Texas Longhorn Football Team for the excitement, entertainment and pride that the 2005 Championship season has brought to the Round Rock community.

PROCLAIMED this 9th day of February 2006.

5.B. Consider proclaiming February as Black History Month. Mayor Maxwell read the following proclamation and presented it to Debbie Bruce-Julke.

WHEREAS, much of the City of Round Rock's honor, strength and stature can be attributed to the diversity of cultures and traditions that are celebrated by the residents of this great region; and

WHEREAS, in 1976, Black History Month was formally adopted to honor and affirm the importance of Black History throughout our American experience, which goes back thousands of years and includes some of the greatest, most advanced and innovative societies in our history that we can all draw inspiration from; and

WHEREAS, Black History Month is a time for all Americans to remember the stories and teachings of those who helped build our nation, took a stance against prejudice to build lives of dignity and opportunity, advanced the cause of civil rights, and strengthened families and communities; and

WHEREAS, the Black Voice of Round Rock, is a group of education, business and community professionals organized to carry out programs of educational enhancement, economic empowerment and civic involvement among African-Americans, other minority groups and disadvantaged persons; and

WHEREAS, the Black Voice of Round Rock will host a Black History Month celebration on Saturday, February 25 with an inspiring program and luncheon at Stony Point Ninth Grade Center,

NOW, THEREFORE, I, Nyle Maxwell, Mayor, of the City of Round Rock do hereby proclaim the month of February 2006 as

"BLACK HISTORY MONTH"

in the City of Round Rock and encourage all citizens to join me in recognizing Black History Month and encourage everyone to participate in the Black Voice of Round Rock's celebration at Stony Point Ninth Grade Center.

PROCLAIMED this 9th day of February 2006.

5.C. Consider proclaiming February 13-17 as Habitat for Humanity Week. Mayor Maxwell read the following proclamation and presented it to Bateman Project participants and Public Relations Texas State University students Kristen Hinojosa, Melissa Kanz, and Stephanie Adkins.

CITY COUNCIL MINUTES
FEBRUARY 9, 2006

WHEREAS, Habitat for Humanity International is a global organization creating homeownership opportunities throughout North America, Africa, Middle East, Asia, Europe, Latin America and Caribbean since 1976; and

WHEREAS, the Round Rock Habitat for Humanity focuses on building affordable housing to families in need for the Greater Round Rock area; and

WHEREAS, Habitat for Humanity International has built and rehabilitated more than 200,000 houses with families in need, becoming a true world leader in addressing the issues of poverty housing; and

NOW THEREFORE, I, Nyle Maxwell, Mayor of the City of Round Rock, Texas do hereby proclaim the week of February 12 - 18, 2006 as

"HOME IS WHERE THE HEART IS HABITAT FOR HUMANITY WEEK"

in the City of Round Rock, Texas and urge all Round Rock citizens to become familiar with and support the services and benefits offered by Habitat for Humanity in Round Rock.

PROCLAIMED this 9th day of February 2006.

PUBLIC HEARINGS:

6.A.1. Consider public testimony regarding an application filed by Pulte Homes to adopt original zoning of District OF (Office) on 1.79 acres of land. (Northwest corner of Gattis School Road and Rusk Drive) Jim Stendebach, Planning Director made the staff presentation. This property was annexed in 1986 as a part of a 500-foot strip along Gattis School Road and was never zoned. The property is part of a larger tract purchased by Pulte Homes for single-family development. While the rest of the property has been subdivided into residential lots, this piece was deemed inappropriate for single-family use given its location on Gattis School Road and proximity to the Fire Station, which is directly adjacent to the west. Pulte Homes is requesting a zoning change to OF (Office) to allow the property to be used for an office. Staff concurs with the applicant that the property is unsuitable for single-family use and is supportive of Office zoning as a use that is both appropriate for Gattis School Road and compatible with the nearby residences. The Planning and Zoning Commission recommended approval of the zoning request at their January 11, 2006, meeting.

Mayor Maxwell opened the public hearing.

Rodney Bennett, 11505 Ridge Drive, Austin, the owners' agent, outlined the conceptual site plan for the tract and requested approval of the zoning.

There being no further testimony, the public hearing was closed.

6.A.2. Consider public testimony regarding an application filed by Harden Healthcare to adopt original zoning of District SR (Senior) on 5.785 acres of land and of District OF (Office) on

CITY COUNCIL MINUTES
FEBRUARY 9, 2006

3.590 acres of land. (West of Wyoming Springs Drive and north of Park Valley Drive) Jim Stendebach, Planning Director made the staff presentation. This property is undeveloped and outside the city limits. The proposed land use is a senior residential facility, three medical offices and a detention pond. The proposed zoning is appropriate for the location, given the proximity to the hospital and medical office complex. Compatibility between the proposed uses and the neighboring single family homes is ensured through the compatibility standards required by the Zoning Ordinance, such as setbacks, landscape buffers, light restrictions. The Planning and Zoning Commission recommended approval of the zoning request at their January 11, 2006, meeting. Mayor Maxwell opened the public hearing.

Kirby Hiscox, 2433 Cloud Peak Lane, representing the five property owners that abut the proposed detention pond expressed his concern and the concern of the residents on the size, depth, and the type of enclosure that was being considered for the pond. He noted that a school is close to this development and the attraction of an open pond would be an endangerment to the children in the neighborhood and the children that walk home from school. He pointed out that the residents were not opposed to the development; their concern was for the safety of children. He recommended options for making the detention pond safer.

Mark Layne, 2435 Cloud Peak Lane, noted that his issues were addressed by Mr. Hiscox.

Mark Fritz, 900 Woodside Court, Vice-Chairman of Harden Healthcare Texas, owners of the 9-acre tract noted that the safety of the children is a major factor to them in developing this tract. He noted that once the concerns were voiced by the neighborhood they began working on a possible solution. He briefly outlined the proposed solution, which would be something like an extremely large French drain system.

Mr. Hiscox thanked Harden Healthcare for finding a solution to make their development safe for the neighborhood.

There being no further testimony, the public hearing was closed.

6.A.3. Consider public testimony regarding proposed amendments to Chapter 11, Zoning, of the City of Round Rock Code of Ordinances. Jim Stendebach, Planning Director made the staff

CITY COUNCIL MINUTES
FEBRUARY 9, 2006

presentation. The Zoning Ordinance was adopted by City Council in May 2002. Staff regularly reviews the ordinance to ensure its effectiveness and operational efficiencies. Mr. Stendebach outlined the following summary of the proposed text amendments to the Zoning Ordinance. He added that the amendments attempt to resolve a number of recurring issues staff has encountered since the adoption of the Zoning Ordinance.

Application Completeness Requirements

Staff proposed to require a pre-application conference for site plan and variance proposals. Section 11.301(2) of the Zoning Ordinance requires applicants to request a pre-application conference for all procedures contained within the Zoning Ordinance with the exception of site plan and variance procedures. These procedures were inadvertently omitted when the Zoning Ordinance was adopted. Staff recommended the addition of these procedures, since the pre-application process is an important step in ensuring application completeness.

Public notice requirements for the Zoning Board of Adjustment

Section 11.301(5) of the Zoning Ordinance requires both mailed notices and published newspaper notices for public hearings relating to applications made to the Zoning Board of Adjustment (ZBA). The ZBA renders decisions on requests for variances and special exceptions. Since ZBA applications are specific to particular tracts of land and affect the interests of abutters, as opposed to the city at large, legal staff recommended that the requirement for published notice be removed from the Zoning Ordinance. This will ensure consistency between the Zoning Ordinance and the Texas Local Government Code.

Name change for Downtown Reinvestment Zone to Downtown Development Area

Existing regulations in the Zoning Ordinance delineate a section of downtown Round Rock as the Downtown Reinvestment Zone. The Downtown Reinvestment Zone was originally adopted in 1995 for the purpose of defining the area of the downtown eligible for participation in a City tax abatement program. The area is roughly bounded by IH-35 to the west, Brushy Creek to the north, the Union Pacific railroad line to the south, and the western line of the P.A. Holder Survey to the east, east of College Street. The program offered tax abatements for new construction and

CITY COUNCIL MINUTES
FEBRUARY 9, 2006

redevelopment projects that met City Council approved design criteria. The tax abatement program has since expired, but the area remains important for zoning purposes since several development regulations are attached to it. These regulations are in no way related to the original tax abatement program. Since the term "reinvestment zone" has tax implications per state legislation, legal staff recommended that the area be renamed to avoid potential confusion regarding the area's purpose. Staff recommended that the area be renamed the "Downtown Development Area." In addition, staff proposed the inclusion of a new definition that precisely defines the geographic area.

Setback requirements for structures crossing one or more property lines

Section 11.426(3) of the Zoning Ordinance outlines setback requirements. Staff recommended to add a provision that addresses setback requirements for structures built over one or more property lines. Setback requirements applicable to the crossed property line(s) will no longer apply. However, setbacks will still apply along the perimeter of the lots. This provision is being added to clarify the obvious problem of enforcing setbacks on buildings that straddle property lines.

Changes to C-2 (Local Commercial) and OF (Office) zoning districts

Both the C-2 and OF districts include a number of development standards intended to ensure compatibility with nearby residential neighborhoods. The height and size limitations have proven to be overly restrictive and have limited the usefulness of the districts, particularly along arterial roadways. To address these issues, staff recommended to increase the size limitations of day cares, eating establishments, offices and retail sales and services. Staff also recommended eliminating the requirement to use the "village" design format for C-2 sites along arterial roadways. The configuration of the village design, with the buildings pulled up close to the street, works well in a pedestrian environment, but is not so practical when located on a busy arterial roadway, such as US 79 or FM 1460. Along the same lines, staff recommended to allow drive-through banks on arterial roadways as long as the drive-through lanes are screened from any adjacent residences. In addition, staff recommended altering the height and setback regulations

CITY COUNCIL MINUTES
FEBRUARY 9, 2006

for the C-2 and OF districts. For the C-2 district, staff recommended to make the allowable height dependent on the size of the setback rather than on the size of the lot (i.e. a 50-foot setback for one-story buildings, and a 100-foot setback for two-story buildings). This change guarantees an appropriate separation between a two-story building and adjacent residences. In conclusion staff recommended to allow two stories in the OF district using the same setback requirements.

Mayor Maxwell opened the public hearing. There being no testimony, the public hearing was closed.

CONSENT AGENDA:

The following items were considered to be routine by the City Council and were enacted by one motion. There was no separate discussion on any of these items and no items were removed from the consent agenda.

*8.A. Consider approval of the City Council minutes for January 26, 2006 and January 30, 2006.

*9.A.1. Consider an ordinance changing the name of Chandler Road to University Boulevard from FM 1460 to County Road 110. (First Reading)

*10.C.2. Consider a resolution authorizing the Mayor to execute Change Order No. 3 with RGM Constructors, L.P. for the construction of Forest Creek Drive and Double Creek Drive, Phase 2.

*10.D.1. Consider a resolution authorizing the Mayor to execute Change Order No. 3 with H. Deck Construction Company for the 2003-2004 Wastewater Collection System Rehabilitation of three Edwards Aquifer Basins.

MOTION: Councilmember Rhode moved to approve all the items on the consent agenda.

Councilmember Clifford seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
 Councilmember Clifford
 Councilmember Salinas

CITY COUNCIL MINUTES
FEBRUARY 9, 2006

Councilmember Rhode

Councilmember Williamson

Mayor Maxwell

Nays: None

Mayor Pro-tem McGraw was out of the room when the vote was taken.

ACTION: The motion carried unanimously.

MOTION: Councilmember Williamson moved to dispense with the second reading of the ordinance for item 9A1 with the unanimous consent of all the Councilmembers present and to adopt the ordinance. Councilmember Honeycutt seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
Councilmember Clifford
Councilmember Salinas
Councilmember Rhode
Councilmember Williamson
Mayor Maxwell

Nays: None

Mayor Pro-tem McGraw was out of the room when the vote was taken.

ACTION: The motion carried unanimously.

APPROVAL OF MINUTES:

*8.A. Consider approval of the City Council minutes for January 26, 2006 and January 30, 2006. This item was approved under the consent agenda.

ORDINANCES:

*9.A.1. Consider an ordinance changing the name of Chandler Road to University Boulevard from FM 1460 to County Road 110. (First Reading) This item was approved under the consent agenda.

ORDINANCE NO. _____

CITY COUNCIL MINUTES
FEBRUARY 9, 2006

AN ORDINANCE CHANGING THE NAME OF A PORTION OF CHANDLER ROAD, FROM FM1460 TO COUNTY ROAD 110, TO UNIVERSITY BOULEVARD; PROVIDING A SAVINGS CLAUSE AND RPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

9.A.2. Consider an ordinance annexing 9.375 acres of land. (Harden Healthcare Tract) (West of Wyoming Springs Drive and north of Park Valley Drive) (First Reading) Jim Stendebach, Planning Director made the staff presentation. This property is undeveloped and outside the city limits. The proposed land use is a senior residential facility, three medical offices and a detention pond. Compatibility between the proposed uses and the neighboring single family homes is ensured through the compatibility standards required by the Zoning Ordinance.

ORDINANCE NO. _____

AN ORDINANCE ANNEXING ADJACENT AND CONTIGUOUS TERRITORY TO THE CITY OF ROUND ROCK, TEXAS, TO WIT: 9.375 ACRES OF LAND, OUT OF THE J.M. HARRELL SURVEY, ABSTRACT NO. 284, IN WILLIAMSON COUNTY; FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; PROVIDING THAT SUCH AREA SHALL BECOME A PART OF THE CITY AND THAT THE OWNERS AND INHABITANTS THEREOF SHALL BE ENTITLED TO THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BE BOUND BY THE ACTS AND ORDINANCES NOW IN EFFECT AND TO BE HEREINAFTER ADOPTED; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

MOTION: Councilmember Salinas moved to approve the ordinance. Councilmember Rhode seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
 Mayor Pro-tem McGraw
 Councilmember Clifford
 Councilmember Salinas
 Councilmember Rhode
 Councilmember Williamson
 Mayor Maxwell
 Nays: None

ACTION: The motion carried unanimously.

CITY COUNCIL MINUTES
FEBRUARY 9, 2006

MOTION: Councilmember Honeycutt moved to dispense with the second reading of the ordinance with the unanimous consent of all the Councilmembers present and to adopt the ordinance. Councilmember Williamson seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
 Mayor Pro-tem McGraw
 Councilmember Clifford
 Councilmember Salinas
 Councilmember Rhode
 Councilmember Williamson
 Mayor Maxwell
 Nays: None

ACTION: The motion carried unanimously.

9.A.3. Consider an ordinance adopting original zoning of District SR (Senior) on 5.785 acres of land and of District OF (Office) on 3.590 acres of land. (Harden Healthcare Tract) (West of Wyoming Springs Drive and north of Park Valley Drive) (First Reading) Jim Stendebach, Planning Director made the staff presentation for this item during the public hearing.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ROUND ROCK, TEXAS ADOPTED IN SECTION 11.401(2)(a), CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS, AND MAKING THIS AMENDMENT A PART OF THE SAID OFFICIAL ZONING MAP, TO WIT: TO ZONE 5.785 ACRES OF LAND, MORE OR LESS, OUT OF THE J.M. HARRELL SURVEY, ABSTRACT NO. 284, IN WILLIAMSON COUNTY, TEXAS, AS DISTRICT SR (SENIOR), AND TO ZONE 3.590 ACRES OF LAND, MORE OR LESS, OUT OF THE J.M. HARRELL SURVEY, ABSTRACT NO. 284, IN WILLIAMSON COUNTY, TEXAS, AS DISTRICT OF (OFFICE).

MOTION: Councilmember Rhode moved to approve the ordinance. Councilmember Salinas seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
 Mayor Pro-tem McGraw
 Councilmember Clifford
 Councilmember Salinas

CITY COUNCIL MINUTES
FEBRUARY 9, 2006

Councilmember Rhode

Councilmember Williamson

Mayor Maxwell

Nays: None

ACTION: The motion carried unanimously.

MOTION: Councilmember Honeycutt moved to dispense with the second reading of the ordinance with the unanimous consent of all the Councilmembers present and to adopt the ordinance. Clifford seconded the motion.

VOTE: Ayes: Councilmember Honeycutt

Mayor Pro-tem McGraw

Councilmember Clifford

Councilmember Salinas

Councilmember Rhode

Councilmember Williamson

Mayor Maxwell

Nays: None

ACTION: The motion carried unanimously.

9.A.4. Consider an ordinance adopting original zoning of District OF (Office) on 1.79 acres of land. (Pulte Homes Tract) (Northwest corner of Gattis School Road and Rusk Drive) (First Reading) Jim Stendebach, Planning Director made the staff presentation for this item during the public hearing.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ROUND ROCK, TEXAS ADOPTED IN SECTION 11.401(2)(a), CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS, AND MAKING THIS AMENDMENT A PART OF THE SAID OFFICIAL ZONING MAP, TO WIT: TO ZONE 1.79 ACRES OF LAND, MORE OR LESS, OUT OF THE P.A. HOLDER SURVEY, ABSTRACT NO. 297, IN WILLIAMSON COUNTY, TEXAS, AS DISTRICT OF (OFFICE).

MOTION: Councilmember Honeycutt moved to approve the ordinance. Councilmember Salinas seconded the motion.

CITY COUNCIL MINUTES
FEBRUARY 9, 2006

VOTE: Ayes: Councilmember Honeycutt
 Mayor Pro-tem McGraw
 Councilmember Clifford
 Councilmember Salinas
 Councilmember Rhode
 Councilmember Williamson
 Mayor Maxwell

 Nays: None

ACTION: The motion carried unanimously.

MOTION: Councilmember Clifford moved to dispense with the second reading of the ordinance with the unanimous consent of all the Councilmembers present and to adopt the ordinance. Mayor Pro-tem McGraw seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
 Mayor Pro-tem McGraw
 Councilmember Clifford
 Councilmember Salinas
 Councilmember Rhode
 Councilmember Williamson
 Mayor Maxwell

 Nays: None

ACTION: The motion carried unanimously.

9.A.5. Consider an ordinance amending Chapter 11, Zoning, of the City of Round Rock Code of Ordinances. (First Reading) Jim Stendebach, Planning Director made the staff presentation for this item during the public hearing.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 11, SECTIONS 11.301, 11.410, 11.411, 11.423, 11.426, 11.502, 11.505 AND 11.802, CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS, TO AMEND THE REVIEW PROCEDURES TO INCLUDE PREAPPLICATION CONFERENCES FOR SITE PLAN AND VARIANCE APPLICATION REQUESTS; TO AMEND THE PUBLIC NOTICE

CITY COUNCIL MINUTES
FEBRUARY 9, 2006

REQUIREMENTS FOR ZONING BOARD OF ADJUSTMENT MEETINGS; TO AMEND THE DENSITY AND DEVELOPMENT STANDARDS FOR THE C-2 (LOCAL COMMERCIAL) DISTRICT; TO AMEND THE DENSITY AND DEVELOPMENT STANDARDS FOR THE OF (OFFICE) DISTRICT; TO AMEND THE STANDARDS FOR DAY CARE, EATING ESTABLISHMENTS, OFFICE, AND RETAIL SALES AND SERVICE; TO AMEND THE SETBACK REQUIREMENTS FOR STRUCTURES BUILT OVER LOT LINES; TO RENAME THE "DOWNTOWN REINVESTMENT ZONE" TO THE "DOWNTOWN DEVELOPMENT AREA"; TO AMEND THE SECTIONS THAT MADE REFERENCE TO THE "DOWNTOWN REINVESTMENT ZONE" TO NOW REFERENCE THE "DOWNTOWN DEVELOPMENT AREA"; TO DELETE THE DEFINITION FOR "DOWNTOWN BUSINESS ZONE"; TO ADD THE DEFINITION FOR "DOWNTOWN DEVELOPMENT AREA" AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

MOTION: Councilmember Clifford moved to approve the ordinance. Councilmember Williamson seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
 Mayor Pro-tem McGraw
 Councilmember Clifford
 Councilmember Salinas
 Councilmember Rhode
 Councilmember Williamson
 Mayor Maxwell

 Nays: None

ACTION: The motion carried unanimously.

MOTION: Councilmember Honeycutt moved to dispense with the second reading of the ordinance with the unanimous consent of all the Councilmembers present and to adopt the ordinance. Mayor Pro-tem McGraw seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
 Mayor Pro-tem McGraw
 Councilmember Clifford
 Councilmember Salinas
 Councilmember Rhode
 Councilmember Williamson
 Mayor Maxwell

CITY COUNCIL MINUTES
FEBRUARY 9, 2006

Nays: None

ACTION: The motion carried unanimously.

RESOLUTIONS:

10.A.1. Consider a resolution authorizing the Mayor to execute a Memorandum of Understanding concerning the Texas Crushed Stone Industrial District. Jim Nuse, City Manager made the staff presentation. The current Texas Crushed Stone Industrial District has lapsed. This agreement will allow time to negotiate a permanent agreement to determine the long-range relationship between the City of Round Rock and Texas Crushed Stone.

Steve Sheets, City Attorney reported that the Council received two Memorandums of Understanding (MOU) for their consideration. One was provided to the Council in their meeting packet and the second MOU was on the dais for consideration. The initial MOU required "at least six months to determine the best method of dealing with the property." The substitute MOU required at least "three months to determine the best method of dealing with the property." In addition, the initial MOU provided for "ninety days written notice in the event that plans or interest change, or if anything else in the MOU ceases to be the understanding of any party." The substitute provides for an expiration date of "ninety days from the date of execution and effective date."

RESOLUTION NO. _____

WHEREAS, in December of 1978, the City of Round Rock entered into an agreement with Westinghouse Electric Corporation ("Westinghouse Agreement") that provided that certain property owned by Westinghouse that was located in the City's extraterritorial jurisdiction would be designated as an Industrial District, and

WHEREAS, on June 30, 1982, Texas Crushed Stone Company ("TCS") and Georgetown Railroad Company, Inc. ("GRR") purchased a portion of the Westinghouse property, and

WHEREAS, thereafter, the City, TCS, and GRR entered into numerous agreements extending the Industrial District, and

WHEREAS, the Westinghouse Agreement expired on December 31, 2005 in accordance with the terms of the Fifth Agreement Extending Industrial District, and

WHEREAS, the City, TCS, and GRR now wish to enter into a Memorandum of Understanding setting forth their understandings with respect to the property previously covered by the Westinghouse Agreement, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS THAT,

The Mayor is hereby authorized and directed to execute on behalf of the City a Memorandum of Understanding with Texas Crushed Stone Company and Georgetown Railroad Company, Inc., a copy of same being attached hereto as Exhibit "A" and incorporated herein for all purposes.

CITY COUNCIL MINUTES
FEBRUARY 9, 2006

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 9th day of February 2006.

MOTION: Councilmember Rhode moved to approve the resolution and the substitute

Memorandum of Understanding that was on the dais. Mayor Pro-tem McGraw seconded the motion.

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| <u>VOTE:</u> | Ayes: | Councilmember Honeycutt |
| | | Mayor Pro-tem McGraw |
| | | Councilmember Clifford |
| | | Councilmember Salinas |
| | | Councilmember Rhode |
| | | Councilmember Williamson |
| | | Mayor Maxwell |
| | Nays: | None |

ACTION: The motion carried unanimously.

10.B.1. Consider a resolution authorizing the Mayor to execute a contract with JO'B Site Construction, LLC for the Forest Creek Safety Improvements Project, Phase II. Danny Halden, City Engineer made the staff presentation. This is the final phase of the Forest Creek Safety and Sidewalks Improvements project that was included in the first issuance 2001 GO Bond Program. Phase I included sidewalks and headwall modifications through a bid package that included other bond fund sidewalk projects. Because many of the work tasks for Phase II required different types of construction skills and equipment than for Phase I, it was decided that the public would best be served by bidding Phase II separately. Two contractors submitted bids for the project which were opened on December 20, 2005. Upon checking the tabulation of the bids, JO'B Site Construction, LLC submitted the lowest bid. The City's consultant, Fisher-Hagood, Inc., researched references on the low bidder and recommended that the contract be awarded to JO'B

CITY COUNCIL MINUTES
FEBRUARY 9, 2006

Site Construction, LLC. The estimated contract amount is \$95,270 which is less than the approximately \$130,000 currently remaining within this bond project.

In past discussions with the Forest Creek Home Owners Association (HOA), they had identified concerns regarding westbound traffic on Forest Creek Drive as traffic approached Forest Creek Elementary, and the existing detention pond along Forest Creek Drive just west of the school. The City previously contracted with Fisher-Hagood, Inc. to prepare plans for street and detention pond modifications. Recently, the HOA informed staff that changes to traffic circulation at Forest Creek Elementary eliminated the need for street modifications. Therefore, Phase II now only consists of improvements to the noted detention pond. The proposed detention pond work includes trickle channel construction, grading, shaping, re-vegetation, and other ancillary items.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock has duly advertised for bids for the Forest Creek Safety & Sidewalk Improvements Project, Phase II, and

WHEREAS, JO'B Site Construction, LLC has submitted the lowest responsible bid, and

WHEREAS, the City Council wishes to accept the bid of JO'B Site Construction, LLC, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City a contract with JO'B Site Construction, LLC for the Forest Creek Safety & Sidewalk Improvements Project, Phase II.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 9th day of February 2006.

MOTION: Councilmember Salinas moved to approve the resolution. Councilmember Clifford seconded the motion.

| | | |
|--------------|-------|--------------------------|
| <u>VOTE:</u> | Ayes: | Councilmember Honeycutt |
| | | Mayor Pro-tem McGraw |
| | | Councilmember Clifford |
| | | Councilmember Salinas |
| | | Councilmember Rhode |
| | | Councilmember Williamson |

CITY COUNCIL MINUTES
FEBRUARY 9, 2006

Mayor Maxwell

Nays: None

ACTION: The motion carried unanimously.

10.C.1. Consider a resolution authorizing the Mayor to execute an Annual Contract for General Engineering Services with Huggins/Seiler & Associates, L.P. Tom Martin, Director of Transportation made the staff presentation. Huggins/Seiler & Associates, L.P., previously provided design studies, schematic design, right-of-way maps, as well as other related engineering tasks as detailed and agreed to by the City. This is an annual contract for the engineering services for the Transportation Services Department, including such services as schematic design, traffic modeling and simulations, utility identification coordination, as well as other work required. Work, under this contract, will be done under an individual work order per each assignment. The cost of the contract is not to exceed \$200,000.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock desires to retain general engineering services, and
WHEREAS, Huggins/Seiler & Associates, L.P. has submitted an Annual Contract for General Engineering Services to provide said services, and

WHEREAS, the City Council desires to enter into said contract with Huggins/Seiler & Associates, L.P., Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City an Annual Contract for General Engineering Services with Huggins/Seiler & Associates, L.P., a copy of said contract being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 9th day of February 2006.

MOTION: Councilmember Clifford moved to approve the resolution. Councilmember Rhode seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
Mayor Pro-tem McGraw
Councilmember Clifford
Councilmember Salinas

CITY COUNCIL MINUTES
FEBRUARY 9, 2006

Councilmember Rhode

Councilmember Williamson

Mayor Maxwell

Nays: None

ACTION: The motion carried unanimously.

*10.C.2. Consider a resolution authorizing the Mayor to execute Change Order No. 3 with

RGM Constructors, L.P. for the construction of Forest Creek Drive and Double Creek Drive, Phase

2. This item was approved under the consent agenda.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock has previously entered into a contract ("Contract") with RGM Constructors, L.P. for the Forest Creek and Double Creek Drive, Phase 2 Project, and

WHEREAS, the Council has determined that it is necessary to make changes to the quantity of work to be performed or materials, equipment, or supplies to be provided, and

WHEREAS, it has been determined that it is necessary to change said Contract in accordance with the attached Contract Change Order No. 3, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City Contract Change Order No. 3 to the Contract with RGM Constructors, L.P., a copy of said change order being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 9th day of February, 2006.

10.C.3. Consider a resolution approving the action of the Round Rock Transportation

System Development Corporation in amending the Transportation Capital Improvement Plan

(TCIP). Tom Martin, Director of Transportation made the staff presentation. The Transportation

Capital Improvement Program (TCIP) is a three-year spending plan for improvements to major

roads and arterials in the City. Funding for this plan is provided through the ½ cent sales tax

established for the purpose of transportation improvements.

The TCIP is being amended as follows:

1. To provide additional funding for the Public Road Crossing Agreement with the Union Pacific Railroad (UPRR) for the reconstruction of the railroad bridges, over A.W. Grimes Boulevard Phase 2, in the amount of \$774,557.00. The project limits for the roadway project are from Lake Creek to US 79 at FM 1460.

CITY COUNCIL MINUTES
FEBRUARY 9, 2006

2. To reimburse UPRR for the cost of an independent review of the City's construction plans for the bridge over the proposed A.W. Grimes Boulevard in the amount of \$19,383.00.

The amendment totals to \$793,940.00.

RESOLUTION NO. _____

WHEREAS, the Round Rock Transportation System Development Corporation ("RRTSDC") has previously adopted a Transportation Capital Improvement Plan ("Plan"), and

WHEREAS, the RRTSDC wishes to amend said Plan, and

WHEREAS, the bylaws of the RRTSDC require that said amendments to the Plan be approved by the City Council, and

WHEREAS, the City Council wishes to approve said amendments to the Plan, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the amendment to the Transportation Capital Improvement Plan approved by the Round Rock Transportation System Development Corporation, which is attached hereto as Exhibit "A", is hereby approved.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 9th day of February 2006.

MOTION: Councilmember Williamson moved to approve the resolution. Councilmember

Clifford seconded the motion.

| | | |
|--------------|-------|--------------------------|
| <u>VOTE:</u> | Ayes: | Councilmember Honeycutt |
| | | Mayor Pro-tem McGraw |
| | | Councilmember Clifford |
| | | Councilmember Salinas |
| | | Councilmember Rhode |
| | | Councilmember Williamson |
| | | Mayor Maxwell |

| | |
|-------|------|
| Nays: | None |
|-------|------|

ACTION: The motion carried unanimously.

10.C.4. Consider a resolution authorizing the Mayor to execute a Public Road Crossing Agreement with the Union Pacific Railroad Company for A.W. Grimes Boulevard. Tom Martin, Director of Transportation made the staff presentation. The A.W. Grimes Boulevard Phase II project was awarded to RGM Constructors, L.P., by council action on July 14, 2005 in the amount

CITY COUNCIL MINUTES

FEBRUARY 9, 2006

of \$ 4,978,357.76. This project is the second Phase of the A. W. Grimes improvements. Phase I constructed a six-lane section from SH 45 to Lake Creek. The proposed agreement will allow Union Pacific Railroad (UPRR) to reconstruct their bridge over Brushy Creek to accommodate the City's underpass. When complete, A.W. Grimes Boulevard will provide a new arterial roadway from Lake Creek to US 79 and complete the Arterial Roadway from SH 45 to US 79. The Public Road Crossing Agreement with the UPRR provides for the reconstruction of the railroad bridge over the proposed A.W. Grimes Boulevard alignment South of US 79. This agreement also provides for the City's use of UPRR right-of-way for the construction and maintenance of A.W. Grimes Boulevard. The estimated cost of this work is \$1,707,228.00, which is to be paid as follows:

| | |
|--------------|--|
| \$569,076.00 | payable within 30 days of execution of agreement |
| \$569,076.00 | payable when reconstruction is 50% complete |
| \$569,076.00 | payable when reconstruction is 100% complete |

RESOLUTION NO.

WHEREAS, in connection with the A.W. Grimes Boulevard Improvements, Phase II, the Union Pacific Railroad Company ("UPRR") bridge over Brushy Creek must be reconstructed to accommodate the new roadway, and

WHEREAS, the Council wishes to enter into a Public Road Crossing Agreement with UPRR,
Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City a Public Road Crossing Agreement with Union Pacific Railroad Company, a copy of same being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 9th day of February 2006.

MOTION: Councilmember Honeycutt moved to approve the resolution. Mayor Pro-tem

McGraw seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
 Mayor Pro-tem McGraw
 Councilmember Clifford
 Councilmember Salinas

CITY COUNCIL MINUTES
FEBRUARY 9, 2006

Councilmember Rhode

Councilmember Williamson

Mayor Maxwell

Nays: None

ACTION: The motion carried unanimously.

*10.D.1. Consider a resolution authorizing the Mayor to execute Change Order No. 3 with H. Deck Construction Company for the 2003-2004 Wastewater Collection System Rehabilitation of three Edwards Aquifer Basins. This item was approved under the consent agenda.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock has previously entered into a contract ("Contract") with H. Deck Construction for the Wastewater Collection System Rehabilitation of Three Edwards Aquifer Basins, and

WHEREAS, the Council has determined that it is necessary to make changes to the quantity of work to be performed or materials, equipment, or supplies to be provided, and

WHEREAS, it has been determined that it is necessary to change said Contract in accordance with the attached Contract Change Order No. 3, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City Contract Change Order No. 3 to the Contract with H. Deck Construction for the Wastewater Collection System Rehabilitation of Three Edwards Aquifer Basins, a copy of said change order being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 9th day of February 2006.

10.D.2. Consider a resolution authorizing the Mayor to execute a contract with Mole-Kassouf, J.V. for the McNutt Creek Wastewater Interceptor Project, Phase I. Tom Clark, Director of Water and Wastewater Utilities made the staff presentation. The McNutt Creek drainage basin is located on the eastern end of the City's ETJ. There is no City water or wastewater infrastructure in this part of the Round Rock ETJ. To prepare for the development and growth, the City has developed a Wastewater Master Plan that includes the construction of this interceptor to serve this area. Agreements with two Municipal Utility Districts (MUD's) are in place that will pay a total of \$5,700,000 towards construction of the line. The project includes the construction of an 8,340 linear foot of 48" wastewater line to extend from the existing Brushy Creek Regional

CITY COUNCIL MINUTES
FEBRUARY 9, 2006

Wastewater Plant located on the eastern side of the City of Round Rock to a certain point along the McNutt Creek. With developer participation of \$5,700,000, the City's cost will be \$4,428,830. The City will collect impact fees totaling \$5,737,258 when the two MUD's reach build out. The construction of this interceptor will allow the developer's to tie into the City's wastewater system in the near future. Five contractors submitted bids on this project. The bids and references were reviewed. The lowest bid of \$10,128,830 was received from Mole-Kassouf, J.V. Staff recommended award of the bid to Mole-Kassouf, J.V.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock has duly advertised for bids for the McNutt Creek Wastewater Interceptor Project, Phase I, and

WHEREAS, Mole-Kassouf, JV has submitted the lowest responsible bid, and

WHEREAS, the City Council wishes to accept the bid of Mole-Kassouf, JV, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City a contract with Mole-Kassouf, JV for the McNutt Creek Wastewater Interceptor Project, Phase I.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 9th day of February 2006.

MOTION: Councilmember Rhode moved to approve the resolution. Councilmember Salinas seconded the motion.

VOTE: Ayes: Councilmember Honeycutt

Mayor Pro-tem McGraw

Councilmember Clifford

Councilmember Salinas

Councilmember Rhode

Councilmember Williamson

Mayor Maxwell

Nays: None

ACTION: The motion carried unanimously.

CITY COUNCIL MINUTES
FEBRUARY 9, 2006

10.D.3. Consider a resolution authorizing the Mayor to execute a Contract for Engineering Services with Sanborn Map Company, Inc. for the 2005 GPS/GIS Mapping of Water and Wastewater Features Project. Tom Clark, Director of Water and Wastewater Utilities made the staff presentation. The 2005 GPS/GIS Mapping of Water and Wastewater Features project is a three-year project to consolidate the Water & Wastewater System Maps developed in the 1980's and the current digital GIS Water and Wastewater System Maps into one comprehensive map system. The City mapping system is currently in several forms from hand drawn maps to digital data available on computer. This project will update the City mapping database and merge the old data with new data to create one source for all mapping. The project will also include GPS coordinates for 18,000 manholes, fire hydrants and valves. When complete, utility crews and fire department personnel will be able to access the information through desktop computer or laptop computer within the city. The project is needed to assist utility crews to isolate pipeline segments for repairs and during emergencies, assist the fire department in locating fire hydrants during emergencies and will assist other City departments with planning information. A system has been developed for internal personnel to maintain the data and update new development to the system. Responses were received from 10 firms that were reviewed by an internal committee of 6 people. Three firms were chosen to provide an oral presentation to the committee. The committee recommended the team of Sanborn Map Company, Inc. and Baker- Aicklen to perform the work. The contact for service is \$647,716.00.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock desires to retain engineering services for the 2005 GPS/GIS Mapping of Water and Wastewater Features Project, and

WHEREAS, Sanborn Map Company, Inc. has submitted a Contract for Engineering Services to provide said services, and

WHEREAS, the City Council desires to enter into said contract with Sanborn Map Company, Inc., Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City a Contract for Engineering Services with Sanborn Map Company, Inc. for the 2005 GPS/GIS Mapping of Water and Wastewater Features Project, a copy of said contract being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the

CITY COUNCIL MINUTES
FEBRUARY 9, 2006

subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 9th day of February, 2006.

MOTION: Councilmember Clifford moved to approve the resolution. Councilmember Honeycutt seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
 Mayor Pro-tem McGraw
 Councilmember Clifford
 Councilmember Salinas
 Councilmember Rhode
 Councilmember Williamson
 Mayor Maxwell

 Nays: None

ACTION: The motion carried unanimously.

10.D.4. Consider a resolution authorizing the Mayor to execute an Interlocal Agreement for Interim Water Supply with the City of Cedar Park and the Lower Colorado River Authority.

Tom Clark, Director of Water and Wastewater Utilities made the staff presentation. This agreement will allow for the sale of not more than 2 million gallons of treated water per day to Cedar Park as needed until summer of 2010. Temporary sale of water will allow Cedar Park to meet its projected needs for water in the eastern portion of its City and allow them to delay their need for additional water treatment capacity. The delay will save Round Rock and Cedar Park debt service expense. Under a separate agreement, staff is negotiating an agreement with Williamson County MUD No. 9 to allow for delivery of water to Cedar Park. The City is in the process of developing the Lake Travis Regional Water Supply System by forming a partnership with Cedar Park and the LCRA. This Interlocal Agreement with the City of Cedar Park will allow for temporary water sales to Cedar Park by Round Rock so that the schedule of improvements for constructing the regional system can be delayed one year.

CITY COUNCIL MINUTES

FEBRUARY 9, 2006

Mr. Clark outlined the details of the agreement and the improvements that will be provided. In addition, he responded to Mr. Johnson's comments made during Citizens Communications.

RESOLUTION NO. _____

WHEREAS, Chapter 791 of the Texas Government Code, V.T.C.A., authorizes local governments and agencies of the state to enter into agreements with one another to perform governmental functions and services, and

WHEREAS, the City of Round Rock wishes to enter into an Interlocal Agreement for Interim Water Supply with the City of Cedar Park and the Lower Colorado River Authority, Now Therefore BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City an Interlocal Agreement for Interim Water Supply with the City of Cedar Park and the Lower Colorado River Authority, a copy of same being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 9th day of February 2006.

MOTION: Councilmember Rhode moved to approve the resolution. Mayor Pro-tem McGraw seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
Mayor Pro-tem McGraw
Councilmember Clifford
Councilmember Salinas
Councilmember Rhode
Councilmember Williamson
Mayor Maxwell

Nays: None

ACTION: The motion carried unanimously.

10.D.5. Consider a resolution authorizing the Mayor to execute an Interlocal Agreement Regarding Construction of Regional Waterline with the City of Cedar Park and the Lower Colorado River Authority. Tom Clark, Director of Water and Wastewater Utilities made the staff presentation. This agreement will authorize the construction of approximately 11,000 feet of 72-

CITY COUNCIL MINUTES
FEBRUARY 9, 2006

inch waterline to be installed with the Cedar Park New Hope Road Improvements project from Bagdad Road to 183A. Total cost of the project is estimated to be \$11.6 million with Round Rock's share totaling \$6,500,000. Staff recommended authorization of a not to exceed amount of \$6.5 million. This amount is based upon the engineers cost estimate and if bids are higher than anticipated. Staff will return to Council to request additional authorization. This agreement will guarantee Round Rock 40.8 Million Gallons per Day capacity in the pipeline. The Lake Travis Raw Water Supply System study, completed, in September 2005, recommended that the most cost effective alternative to the City for accessing Lake Travis water was to develop a partnership with the City of Cedar Park and / or LCRA to develop a regional treatment and delivery system. The proposed treated water pipeline route will follow New Hope Road in Cedar Park which is scheduled for construction to be completed March 2007. This Interlocal agreement will allow the City of Round Rock to take advantage of the cost savings available by installing this relatively short portion of the regional delivery system, being 11,000 linear feet of a 72-inch water line under partnership with Cedar Park and the LCRA.

RESOLUTION NO. _____

WHEREAS, Chapter 791 of the Texas Government Code, V.T.C.A., authorizes local governments and agencies of the state to enter into agreements with one another to perform governmental functions and services, and

WHEREAS, the City of Round Rock wishes to enter into an Interlocal Agreement for Construction of Regional Waterline with the City of Cedar Park and the Lower Colorado River Authority, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City, subject to the City Manager's and City Attorney's approval of the final language and terms, an Interlocal Agreement for Construction of Regional Waterline with the City of Cedar Park and the Lower Colorado River Authority, a copy of same being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 9th day of February 2006.

MOTION: Councilmember Williamson moved to approve the resolution. Mayor Pro-tem

McGraw seconded the motion.

VOTE: Ayes: Councilmember Honeycutt

CITY COUNCIL MINUTES
FEBRUARY 9, 2006

Mayor Pro-tem McGraw

Councilmember Clifford

Councilmember Salinas

Councilmember Rhode

Councilmember Williamson

Mayor Maxwell

Nays: None

ACTION: The motion carried unanimously.

SUPPLEMENTAL AGENDA ITEMS

10.E.1. Consider a resolution authorizing the Mayor to execute an amendment to the Walsh Ranch Municipal Utility District Consent Agreement. This item was withdrawn from the agenda at the request of the developer.

10.E.2. Consider a resolution granting the consent of the City to the creation of Walsh Ranch Municipal Utility District. Steve Sheets, City Attorney made the staff presentation. The Walsh Ranch is located west of Behrens Ranch on Sam Bass Road and has a preliminary plat approved. The consent agreement and creation of the Walsh Ranch Municipal Utility District was approved by the City Council on October 13, 2005. As a part of the application process to the State, the developer is required to submit a resolution from the City Council specifically granting the consent for the creation of the Walsh Ranch Municipal Utility District. This resolution will comply with the developers' request to the City.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock has received a Petition for Consent to the Creation of a Municipal Utility District, proposed to be known as Walsh Ranch Municipal Utility District, upon certain land located in the City's extraterritorial jurisdiction, a copy of which petition is attached hereto as Exhibit "1", and

WHEREAS, Section 54.016 of the Texas Water Code and Section 42.042 of the Local Government Code provide that land within a city's extraterritorial jurisdiction may not be included within a district without the city's written consent, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the City hereby gives its written consent to the creation of a municipal utility district, proposed to be known as Walsh Ranch Municipal Utility District, on the land described in the attached petition, being 101.91 acres of land, more fully described by metes and bounds on Exhibit "2".

CITY COUNCIL MINUTES
FEBRUARY 9, 2006

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended

RESOLVED this 9th day of February 2006.

MOTION: Councilmember Honeycutt moved to approve the resolution. Councilmember Clifford seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
 Mayor Pro-tem McGraw
 Councilmember Clifford
 Councilmember Salinas
 Councilmember Rhode
 Councilmember Williamson
 Mayor Maxwell

 Nays: None

ACTION: The motion carried unanimously.

COUNCIL COMMENTS: None

EXECUTIVE SESSION:

12.A. Executive Session as authorized by §551.071 Government Code, related to pending or contemplated litigation, to wit: Richard Wallace Pearce and Jesse Ray Bland vs. City of Round Rock et al, Cause No. 97-314-C277, Judicial District Court of Williamson County, Texas.

The Council recessed to the Executive Chamber for the Executive Session. Mayor Maxwell called the Executive Session to order 9:26 p.m. and adjourned at 9:51 p.m.

The Council returned to the City Council Chamber for adjournment. No discussion or action occurred.

ADJOURNMENT: There being no further business, the meeting adjourned at 9:52 p.m.

Respectfully Submitted,

Christine R. Martinez, City Secretary